

Zoning Text Amendment No. 09-003 (Massage Ordinance)

Amending HBZSO Chapters
204 Use Classifications and
212 Industrial Districts and
HB Municipal Code Chapter 5.24
Massage Establishments

October 5, 2009

Senate Bill 731

- September 2008, Governor signs SB 731 into law creating the California Massage Therapy Council (CAMTC)
- CAMTC is tasked with the mission of establishing regulatory and licensing procedures for massage therapists and practitioners in the State
- Under the guidelines of the bill, cities can adopt the licensing authority of the CAMTC, and massage professionals can voluntarily choose to be certified by the State

Past Challenges for Massage Professionals – SB 731

- The most difficult obstacle for massage professionals throughout the State has been the lack of consistent state-wide standards in the licensing process
- SB 731 requires Finger Printing and Training Verification, Dept. of Justice background check and licensing process

- To comply with State law, City is proposing changes to HBZSO and HBMC, which both regulate massage establishments
- A community meeting was held on August 19, 2009, to introduce the pending ZTA and promote discussion regarding the provisions of the State law
- The majority consensus was in favor of the certification process

ZTA 09-003 - Request

- Amend Chapter 204 Use Classifications, Section 204.10 (V) Personal Enrichment Services, deleting massage as a Personal Enrichment Service business;
- Amend Section 204.10 (W) Personal Services to now include massage as regulated by HBMC Chapter 5.24
- Amend Section 204.10 (AA) Sex Oriented Businesses, deleting reference to Chapter 5.24 HBMC
- Amend Chapter 212 Industrial Districts, Section 212.04 eliminating reference to massage as a Sexually Oriented Business.

Municipal Code - Request

- Amend Chapter 5.24 HBMC-Massage Establishments deleting certain sections related to the certification of massage professionals and amend various sections to clarify the City's licensing process.

Planning Commission Review

- Study Session held with Planning Commission on August 25, 2009
- Public Hearing conducted by Planning Commission (PC) on September 9, 2009
- The Planning Commission recommends approval of the Zoning Text Amendment

Analysis

- ZSO allows for massage businesses in Commercial and Industrial areas.
- Massage businesses are either classified as a Sexually Oriented or Personal Enrichment - established only as an ancillary use.
- The Zoning Text Amendment will change the classification of massage establishments to Personal Services use.
- Under new State law, once a massage professional is certified they must be treated as Personal Services use.

Analysis (continued)

- Removes the square footage restriction for massage businesses in Commercial Districts
- Eliminates massage businesses from the Sexually Oriented Business classification in the Industrial Districts
- Permits Personal Services use, only in Industrial mixed-use developments

Analysis

- Upon adoption of the City's ordinance, all existing and new massage professionals will be required to show proof of California State Certification license
- Massage professionals will have until March 1, 2010 to comply with the adopted City ordinance
- Municipal Code changes are the product of the efforts of the City Attorney's Office, Police and the Planning Department concurrently proposing amendments to Chapter 5.24 of the HBMC

Recommendation

Adopt ZTA No. 09-003 and the amendment to the Municipal Code as recommended



END

Slide show